Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Review of the operation and status of the Convention

Strengthening the Assistance to Child Victims

Submitted by Austria and Colombia*

Considering the increase in the number of child victims affected by anti-personnel mines in Colombia, which reflects the worldwide devastating impact of anti-personnel mines and explosive remnants of war on children that also contributes significantly to child disability, as indicated in the UNICEF report entitled "The State of the World's Children 2013[1]", as well as the strong commitment by Austria to support international victim assistance efforts, both governments, in their capacities as Co-Chairs for Victim Assistance under the Anti-Personnel Mine Ban Convention decided to focus their work in 2013 on assistance to child victims.

In collaboration with the International Campaign to Ban Landmines and with the support of the Implementation Support Unit, on **30 and 31 May 2013** Austria and Colombia conducted an **expert workshop *"Assistance to Child Victims"*** in Geneva. Aim of the expert workshop was to put a focus on the requirements for victim assistance to be "age-sensitive" and to take a closer look in how far the specific needs and rights of children as victims are met and what could be done further to enhance the assistance to child victims in the framework of the Anti-Personnel Mine Ban Convention, in accordance with the Cartagena Action Plan of the Anti-Personnel Mine Ban Convention 2010- 2014.

Various stakeholders, including Handicap International, the International Campaign to Ban Landmines and Cluster Munitions (ICBL-CMC), the International Committee of the Red

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* This document is issued in the language of submission, without any editorial changes and as received by the Secretariat, after being electronically imported and formatted according to the editorial rules of the United Nations.

[1] The *"State of the World's Children 2013"* Report by the United Nations Children's Fund (UNICEF)[1] highlights that explosive remnants of war (ERW) and anti-personnel landmines have a devastating impact on children and represent a significant contributing factor to child disability. Despite a significant decrease in the numbers of people killed or injured by anti-personnel mines and ERW, annually, since 2005, children have accounted for approximately 20-30 per cent of all casualties from landmines, cluster munitions and other ERW.

Cross, the United Nations' Children's Fund and the World Health Organisation[2], provided valuable input to the preparations of the workshop. Experts received a solid basis of information on the situation of child victims in affected countries, the existing international legal framework and the available information on challenges, good practices and lessons learned in the implementation of victim assistance provisions for children. The expert discussions during the workshop and the continued consultations with a broad range of stakeholders allowed the Co-Chairs to produce this document.

In this context, the Co-Chairs would also like to draw the attention to a thorough study conducted by **Colombia** called ***"Guide for Comprehensive Assistance to Boys, Girls and Adolescents Landmine Victims"***, which is available in English and Spanish.

This working paper aims at facilitating and enhancing the effective assistance to child victims that meets the needs and rights of these children, their families and affected communities. Following an introduction to the concept and approach to victim assistance, the working paper gathers the observations and proposals made by various stakeholders on what could be done to strengthen the assistance to child victims at the international, regional, national as well as the community level. As such, the document could serve as a reference document, introducing a range of recommendations for government stakeholders and practitioners to take into account at the various levels of policy-making and implementation.

1. Concepts and definitions

The victim assistance approach as enshrined in the Anti-Personnel Mine Ban Convention, encompasses the assistance to survivors, affected families and communities. Accordingly, this paper refers to child victims as children and adolescents injured by mines or explosive remnants of war (ERW), children whose parents or family members were killed or injured by mines/ERW and children living in communities affected by mines or ERW. Victim assistance follows a rights-based approach, guided by the Convention on the Rights of Persons with Disabilities (CRPD), and is based on the principle of non-discrimination: This means that victim assistance has to be carried out in a way that does not exclude any person injured or disabled by other causes. Specialized services should be provided in order to respond to the particular needs of persons. Children and adolescents, girls and boys, have particular needs that should be identified and responded to. Owing to the particular vulnerability of children who become victims of mines or ERW, their situation becomes even more challenging in situations of conflict, post-conflict, violence and precarious socio-economic conditions. Human rights instruments, in particular the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, complement the legal framework for realizing the human rights of children, including child victims.

Policy instruments developed under the scope of international legal instruments dealing with victim assistance for victims of mines and ERW, including the Cartagena Action Plan of the Anti-Personnel Mine Ban Convention, take the particular situation of children as victims into account. The Cartagena Action Plan that guides the implementation of the Anti-Personnel Mine Ban Convention during 2010-2014 calls for *"adequate age- and gender-sensitive assistance to mine victims"* (Point 12) and for international cooperation and assistance to be *"age-appropriate and gender-sensitive" (Action 41).*

[2] The expert input can be found at: http://www.apminebanconvention.org/intersessional-work-programme/may-2013/by-invitation-only.

2. Recommendations for strengthening the assistance to child victims at the international and regional level:

- To raise awareness of the special needs of child victims and their particular vulnerability at the political level and promote the assistance to child victims and the rights of all children;
- To promote an inclusive society and work actively towards removing social barriers that child victims may be facing;
- To regularly review and monitor the legal provisions related to the assistance to child victims as enshrined in relevant international legal instruments with a view to fully implementing the provisions and addressing new challenges;
- To address the particular and multiple vulnerability that child victims in post-war/conflict situations and conflict situations often face;
- To strengthen the monitoring of the implementation of the respective provisions of relevant international legal instruments; in this context, data collection and needs assessment should be based on age and sex-disaggregated data, which is regularly updated, in order to ensure that specific needs are taken into account;
- To continue to provide cooperation and assistance to countries with victims where needed, in adherence to the provisions of relevant international legal instruments;
- To use instruments of international humanitarian law and international human rights law in a complementary way and ensure that they are implemented in such a way as to maximise the enforcement of the rights of victims, including child victims, and the assistance to them according to their needs;
- To exchange information and practices between the communities of contracting parties to instruments of particular relevance for assistance to child victims in order to strengthen coordination and cooperation and avoid duplication;
- To monitor and reinforce implementation of risk education measures foreseen under relevant international legal instruments including the Anti-Personnel Mine Ban Convention;

3. Recommendations for strengthening the assistance to child victims at the national level:

- To promote adherence to international and regional legal instruments of relevance for the enforcement of the rights and needs of child victims, bearing in mind that adherence to a range of international instruments can contribute to maximising the chances of victims to have their rights ensured;
- To review national policies with a view to ensuring that they take into account the needs of child victims and that they are effectively implemented;
- To ensure that development and disability policies and action plans are inclusive of victim assistance and take into account the specific needs and rights of children while adopting a multi-stakeholder approach;
- To ensure the close cooperation between governments, field organisations and civil society organisations in developing and implementing policies inclusive of child victims;

- To collect, regularly update and assess adequate data on victims, while ensuring that this data is disaggregated and age- and gender-sensitive; such data includes injury surveillance systems disaggregated by age, sex as well as type of impairment;
- To take the specific needs of children of a particular age, as well as girls and boys into account in all policies and measures adopted, based on a comprehensive needs assessment; in this regard, social norms in a society concerning the specific role of girls or boys may require particular focus in order to ensure non-discrimination;
- To identify and address particular barriers to service access for child victims;
- To identify and respond to the particular needs that child survivors may have with regard to comprehensive rehabilitation and health care;
- To identify and adequately address the particular needs that children who are survivors and their families as well as children who are family members of survivors may have with regard to psychological and psycho-social support;
- To formulate policies and measures in order to meet the rights of child victims in a comprehensive way, including their right to play.
- To ensure the same standard of education to child victims as to other children and to aim at inclusion of child victims in mainstream schools;
- To ensure to children that their voices are heard and that they are represented in policy and decision-making processes of relevance to them;
- To assess and adequately respond to the heightened risks of violation of their protection rights that child victims and their family members may face, including the risk of exploitation, neglect, economic hardship or sexual abuse;
- To lie a focus on prevention and thereby to ensure and reinforce risk education activities in mine or ERW affected areas and specifically tailor them to children's needs; children are at a particular risk of being exposed to deliberately handling explosive devices.

4. Recommendations for strengthening the assistance to child victims at the community level:

- To strengthen the implementation of bottom-up approaches addressed to enhance victim's participation, such as the concept of *"community based rehabilitation"* (CBR) established as a multi-sector strategy by the World Health Organisation in cooperation with a range of international actors, with a focus on empowering persons with disabilities to access and benefit from education, employment, health and social services[3];
- To provide the necessary institutional and policy framework to ensure to children that their voices are heard and that they are represented in all policy and decision-making processes of relevance to them;
- To carry out risk education activities in mine or ERW affected communities and lay a particular focus on age-sensitive risk education for children;
- To invest in community building efforts targeted towards overcoming barriers to the full inclusion of child victims and children with disabilities resulting from negative

[3] See further at: https://www.who.int/disabilities/cbr/en/

attitudes and prejudices among members of a community, including in the environment of schools, social and religious centres, health care and rehabilitation institutions.